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The Gazette of India

असाधारण
EXTRAORDINARY

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PART II—Section 2

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation

LOK SABHA

The following Bills were introduced in Lok Sabha on the 23rd March, 1978:—

BILL NO. 45 OF 1978

A Bill to provide for payment by the Government to the small farmers and agricultural workers of compensation for injury by accident.

WHEREAS it is expedient to provide for payment of compensation by the Government to the small farmers and agricultural workers for injury by accident;

Be it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Small Farmers and Agricultural Workers Security Act, 1978.

(2) It extends to the whole of India.

(3) It shall come into force at once.

Short title, extent and commencement.

2. In this Act, unless the context otherwise requires,—

(a) “accident” means accident caused by tractor, hallow power crusher or any other agricultural machinery or caused because of falling in the well or falling from the tree, or receiving shock when dealing with electric motors and includes snake bite, attack by any bull or any wild animal or any other animal;

Definitions.

(b) "agricultural operation" means agricultural or horticultural or sericultural work or rearing sheep, cattle, poultry or the work ancillary thereto or any other work connected with agriculture;

(c) "agricultural worker" means an agricultural worker who is landless and earns daily wages or wages on annual basis for working in agriculture;

(d) "High Court" means a High Court of any State;

(e) "partial disablement" means, where the disablement is of a temporary nature, such disablement as reduces the working capacity of a small farmer or an agricultural worker at the time of the accident, and where the disablement is of a permanent nature, such disablement as reduces permanently his working capacity which he was capable of having before the accident;

Provided that every injury specified in Part II of Schedule I shall be deemed to result in permanent partial disablement;

(f) "prescribed" means prescribed by the rules made under this Act;

(g) "qualified medical practitioner" means any person registered under any Central or State Act providing for maintenance of a register of medical practitioners or, in any area where no such Act is in force, any person declared by the State Government, by notification in the Official Gazette, to be a qualified medical practitioner for the purpose of this Act;

(h) "small farmer" means a farmer who owns up to 5 acres of wet land or 10 acres of dry land;

(i) "total disablement" means such disablement, whether of a temporary or permanent nature, as incapacitates a small farmer or an agricultural worker for all work which he was capable of performing at the time of the accident resulting in such disablement.

Provided that every injury specified in Part I of Schedule I shall be deemed to result in permanent total disablement.

Government to pay compensation.

3. If personal injury is caused to a small farmer or an agricultural worker by accident arising out of and in the course of agricultural operation, the Government shall be liable to pay to such worker compensation in accordance with the provisions of this Act.

Provided that the Government shall not be so liable—

(a) in respect of any injury which results in the total or partial disablement of the small farmer or an agricultural worker for a period less than six days;

(b) in respect of any injury, not resulting in death, caused by an accident which is directly attributable to the small farmer or an agricultural workers under the influence of drinks or drugs at the time of accident.

4. Subject to the provisions of this Act, the amount of compensation shall be as follows, namely:—

Fixation of compensation.

(a) where death results from the injury, such amount as is prescribed in Schedule II;

(b) where permanent total disablement results from the injury, such amount as is prescribed in Schedule II;

(c) in the case of an injury specified in Part II of Schedule I such percentage of the compensation which would have been payable in the case of permanent total disablement as is specified therein as being the percentage of the loss of earning capacity caused by that injury;

(d) in the case of an injury not specified in Schedule I, such percentage of the compensation payable in the case of permanent total disablement as is proportionate to the loss of earning capacity permanently caused by the injury; and

(e) where more injuries than one are caused by the accident, the amount of compensation payable under this head shall be aggregated but not so in any case as to exceed the amount which would have been payable if permanent total disablement had resulted from the injuries.

5. In the case of death, the compensation shall be paid to the legal heir or the dependents of the deceased.

6. For the purpose of paying compensation a revolving fund shall be constituted monies into which shall be provided by the Centre and the States in such proportion as may be agreed upon from year to year.

Fund to pay compensation.

7. No claim for compensation shall be entertained by a Commissioner unless a claim is preferred before him within three months of the occurrence of the accident:

Claim for compensation.

Provided that the want of or any defect or irregularity in notice shall not be a bar to the entertainment of a claim:

Provided further that the Commissioner may entertain and decide any claim to compensation in any case notwithstanding that the notice has not been given, or the claim has not been preferred in due time if he is satisfied that the failure so to give the notice or prefer the claim as the case may be was due to sufficient cause.

8. Every such claim shall give the name and address of the person injured and shall state in ordinary language the cause of the injury and place and date on which the accident happened.

Form of the claim.

9. On receipt of the claim, the Commissioner shall enquire into the matter and if he is satisfied that death or injury was caused to the person because of the accident, he shall decide the amount of compensation to be given under the Act and shall record reasons for coming to such decision.

Enquiry.

Proof of
death due
to accident.

10. In case a small farmer or an agricultural worker dies as a result of an accident while he is engaged in agricultural work that shall have to be proved by the legal heir or his dependents by producing a certificate from a qualified medical practitioner.

Proof of
injury.

11. In case a small farmer or an agricultural worker gets injury while he is engaged in agricultural operation then he should prove it by producing a certificate from a qualified medical practitioner.

Bar to
Jurisdic-
tion of
Civil
Courts.

12. No civil court shall have jurisdiction to settle, decide or deal with any question which is by or under this Act is required to be settled, decided or dealt with by a Commissioner or to enforce any liability incurred under this Act.

Commis-
sioner.

13. (1) The State Government may, by notification in the Official Gazette, appoint any person to be a Commissioner for Small Farmers and Agricultural Workers' Compensation for such area as may be specified in the notification.

(2) Where more than one Commissioner has been appointed for any area, the State Government may by general or special order, regulate the distribution of areas between them.

Assistance
in Inquiry.

14. Any Commissioner may, for the purpose of deciding any matter referred to him for decision under this Act, choose one or more persons possessing special knowledge of any matter relevant to the matter under enquiry to assist him in holding the inquiry.

Commis-
sioner to
be a public
servant.

15. Every Commissioner shall be deemed to be a public servant within the meaning of the Indian Penal Code.

45 of 1860.

Powers
and
Proce-
dures of
Commis-
sioners.

16. The Commissioner shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908, for purpose of taking evidence on oath, which such Commissioner is hereby empowered to impose, and of enforcing the attendance of witnesses and compelling the production of documents and material objects and the Commissioner shall be deemed to be a Civil Court for all the purposes of section 195 and of Chapter XXVI of the Code of Criminal Procedure, 1973.

5 of 1908.

2 of 1974.

Appeal.

17. An appeal shall lie to the High Court provided the appeal is made within 3 months of the decision given by the Commissioner.

Powers
to make
rules.

18. (1) The State Government may make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(1) the manner of sending claim to the Commissioner;

(2) the manner of paying compensation.

SCHEDULE I

[See sections 2 and 4]

PART—I

List of injuries deemed to result in permanent total disablement

S No.	Description of injury	Percentage of loss of earning capacity
1.	Loss of both hands or amputation at higher sites.	100
2.	Loss of a hand and a foot.	100
3.	Double amputation through leg or thigh or amputation through leg or thigh on one side and loss of other foot.	100
4.	Loss of sight to such an extent as to render the claimant unable to perform any work for which eye-sight is essential.	100
5.	Very severe facial disfigurement.	100
6.	Absolute deafness.	100

PART—II

*List of Injuries deemed to result in permanent partial disablement**Amputation Cases—Upper limbs (either arm)*

1.	Amputation through shoulder joint.	90
2.	Amputation below shoulder with stump less than 8" from tip of cromion	80
3.	Amputation from 8" from tip of a cromion to less than to $\frac{1}{2}$ " below tip or acromion	70
4.	Loss of a hand or of the thumb and four fingers of one hand or amputation from $4\frac{1}{2}$ " below tip of olecranon.	60
5.	Loss of thumb.	30
6.	Loss of thumb and its metacarpal bone.	40
7.	Loss of four fingers of one hand.	50
8.	Loss of three fingers of one hand.	30
9.	Loss of two fingers of one hand	20
10.	Loss of terminal phalanse of thumb	20

S. No.	Description of injury	Percentage of loss of earning capacity
<i>Amputation cases—Lower limbs</i>		
11.	Amputation of both feet resulting in end bearing stumps .	90
12.	Amputation through both feet proximal to the metatarso-phalangeal joint.	80
13.	Loss of all toes of both feet through the metatarso-phalangeal joint.	40
14.	Loss of all toes of both feet proximal to the proximal interphalangeal joint.	30
15.	Loss of all toes of both feet distal to the proximal interphalangeal joint.	20
16.	Amputation at hip.	90
17.	Amputation below hip with stumps not exceeding 5" in length measured from tip of great trochanter	80
18.	Amputation below hip with stump exceeding 5" in length measured from tip of great trochanter but not beyond middle thigh.	70
19.	Amputation below middle thigh to 3½" below knee.	60
20.	Amputation below knee with stump exceeding 3½" but not exceeding 5".	50
21.	Amputation below knee with stump exceeding 5"	40
22.	Amputation of one foot resulting in end-bearing.	30
23.	Amputation through one foot proximal to the metatarso-phalangeal joint	30
24.	Loss of all toes of one foot through the metatarso-phalangeal joint.	30
<i>Other Injuries</i>		
25.	Loss of one eye, without complications, the other being normal	40
26.	Loss of vision of one eye, without complications or disfigurement, of eye-ball, the other being normal.	30
<i>A. Fingers of right or left hand Index finger</i>		
27.	Whole	14
28.	Two phalanges	11
29.	One phalanx.	9
30.	Guillotine amputation of tip without loss of bone	5

S. No.	Description of injury	Percentage of loss of earning capacity
MIDDLE FINGER		
31.	Whole	12
32.	Two phalanges	9
33.	One phalanse	7
34.	Guillotine amputation of tip without loss of bone .	4
RING OF LITTLE FINGER		
35.	Whole	7
36.	Two phalanges	6
37.	One phalanse	5
38.	Guillotine amputation of tip without loss of bone .	2
B.—Toes of right or left foot great toe.		
39.	Through metatarso—phalangeal joint	14
40.	Part, with some loss of bone	3
41.	Through metatarso—phalangeal joint	3
42.	Part, with some loss of bone	1
TWO TOES OF ONE FOOT, EXCLUDING GREAT TOE		
43.	Through metatarso—phalangeal joint	5
44.	Part, with some loss of bone	2
THREE TOES OF ONE FOOT, EXCLUDING GREAT TOE		
45.	Through metatarso—phalangeal joint	6
46.	Part, with some loss of bone	3
FOUR TOES OF ONE FOOT, EXCLUDING GREAT TOE		
47.	Through metatarso—phalangeal joint	9
48.	Part, with some loss of bone	3
(Note complete and permanent loss of the use of any limb or member referred to in this schedule shall be deemed to be the equivalent of the loss of that limb or member).		

SCHEDULE II

[See section 4]

Compensation payable in certain cases

Extent of land	Amount of compensation for	
	Death	Permanent total disablement
	Rs.	Rs.
1 less than one acre	10,000	12,000
2 less than two acres	12,000	14,000
3 less than three acres	14,000	16,000
4 less than four acres	16,000	18,000
5 less than five acres	18,000	20,000

STATEMENT OF OBJECTS AND REASONS

The Small farmers and agricultural workers while engaged in agricultural operations are not only receiving injuries but also losing their lives.

Most of the small farmers and agricultural workers are below the poverty line and when they receive injuries due to accidents and become partially or totally disabled, they will not be able to work and, therefore, they will not be able to maintain themselves or their families thereafter. If they die because of the accident their families get ruined

There is neither security nor legal protection for them under such circumstances whereas industrial workers are protected against accidents. As these small farmers and agricultural workers are very poor and are not in a position to insure their lives, in the interest of increased agricultural production and social justice, it is essential that they should be protected against and compensated for accidents.

Hence the Bill.

NEW DELHI;

P. RAJAGOPAL NAIDU.

The 31st October, 1977

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for payment of compensation by the Government. Clause 6 of the Bill provides for constitution of a compensation fund, monies into which shall be provided for by the Central Government and State Governments. Clause 13 of the Bill provides for appointment of Commissioners. The Bill, therefore, if enacted is likely to involve expenditure from the Consolidated Fund of India to the extent of about rupees five crores annually in respect of Union territories and by way of grant-in-aid to State Governments.

A non-recurring expenditure of about rupees one crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Central Government is empowered by clause 18 of this Bill to make rules regarding the manner for sending claim to the Commissioner and the manner of paying compensation so as to carry out the provisions of the Bill.

The matters in respect of which such rules may be made are matters of procedure and administrative details and it is not practicable to provide for them in the Bill itself. The delegation of legislative power is therefore of a normal character.

BILL No. 46 OF 1978

A Bill to provide for reservation of certain categories of cloth to handlooms.

WHEREAS it is expedient to reserve certain categories of cloth to handlooms;

Be it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Reservation of (certain categories of) Cloth to Handlooms Act, 1978.

Short title
extent and
commence-
ment.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. The weaving of—

(i) all series including yarn-dyed, piece dyed and printed, produced out of cotton yarn, pure silk and art silk yarn and other man-made fibres,

Reserva-
tion of
certain
cloths for
hand-
looms.

(ii) dhoties, honey-comb-towels and low-reed and pick-cloth from 105 and below counts,

(iii) guaze and bandage, white bedspreads,

(iv) lungees and V.L. Madras handkerchiefs,
shall be reserved for handlooms.

Prohibi-
tion on
textile
mills, etc

3. (1) Any textile mill, power-loom or any machine driven by power and used for textile purposes within or without a factory shall be prohibited from manufacturing the categories of cloth mentioned in section 2.

(2) All the cloth produced by textile mills, power-looms or any other machine driven by power and used for textile purposes and not specifically produced on handlooms shall be stamped to indicate their manufacture.

Punish-
ment.

4. If any owner of any textile mill or any power-loom or any machine driven by power manufactures the categories of cloth mentioned in section 2, he shall be prosecuted by the Government in a court of law and shall be liable for punishment of imprisonment, for six months.

Prosecut-
ing autho-
rity.

5. The Directors of Handlooms in the States shall be the prosecuting authority for the purposes of this Act.

Appeal.

6. If any person is aggrieved by the action of the Director of Handlooms or his failure to act in implementing the provisions of this Act, he may appeal to the Government.

Appoint-
ment of
inspectors.

7. The Director of Handlooms in every State shall appoint one or more inspectors for investigating periodically the textile mills, power-looms, and textile shops to ensure the enforcement of the provisions of the Act.

STATEMENT OF OBJECTS AND REASONS

Handloom industry is a very big cottage industry in our country next to Agriculture. About 30 lakhs of people depend upon this industry directly or indirectly. With the introduction of textile mills and V. powerlooms, this industry got a great set back and it is not able to compete with these modern industrial units.

It is high time to protect this industry lest the millions who depend upon this industry will lose employment and add to the already growing unemployment. To arrest the growing unemployment and under-employment it is becoming necessary to prohibit the manufacture of certain categories of cloth, such as saris and dhoties by textile mills, power-looms etc. and reserve them for handlooms completely.

Hence the Bill.

NEW DELHI;

P. RAJAGOPAL NAIDU.

The 31st October, 1977.

FINANCIAL MEMORANDUM

Clause 7 of the Bill provides for appointment of one or more inspectors for enforcement of the provisions of the Bill. The Bill, therefore, if enacted, is likely to involve a recurring expenditure of about rupees two lakhs from the Consolidated Fund of India at least in respect of Union territories.

No non-recurring expenditure is likely to be incurred.

BILL No. 44 OF 1978

A Bill to fix the price of sugarcane.

Enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Sugarcane Price (Fixation) Act, 1978.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. In this Act, unless there is anything repugnant in the subject or context,—

Defini-
tions.

(a) "Corporation" means Sugarcane Price Stabilisation Corporation constituted under section 3.

(b) "sugar industry" means the sugar factories and the khand-sari factories.

Constitu-
tion of
Sugarcane
Price
Stabilisa-
tion Cor-
poration

3 (1) A Sugarcane Price Stabilisation Corporation shall be constituted by the Central Government consisting of the following, namely:—

- (a) a Chairman to be appointed by the Central Government;
- (b) a Vice-Chairman to be appointed by the Central Government from amongst the sugarcane growers,
- (c) ten members from the sugarcane growers of which at least one shall represent each major cane-growing State;
- (d) two members from the private sugar factory owners;
- (e) one member representing the Government sugar factories;
- (f) two members from the shareholders of co-operative sugar factories;
- (g) three members representing the khandsari factories of which one shall represent the workers in the khandsari factories;
- (h) two members from the gur manufacturers;
- (i) one member from the Agricultural Prices Commission;
- (j) two members from the workers of sugar factories;
- (k) two members from the agricultural workers.

(2) There shall be a Secretary to the Corporation who shall not have the right to participate or vote in its meetings

(3) The term of office of the Chairman, the Vice-Chairman and the members of the Corporation shall be three years.

Establish-
ment of
Economic
Institute

4. An Economic institute, with full autonomy, shall be established by the Central Government consisting of Agricultural Economists, for the purpose of collecting and processing the data regarding the cost, price and income of sugarcane cultivation in the country.

Fixation
and dec-
laration
of price
of sugar-
cane

5. (1) The Corporation shall fix the price of sugarcane based on the data supplied by the Economic Institute established under section 4

(2) The price of sugarcane fixed under sub-section (1) shall be declared by the Corporation before the 1st day of December every year

(3) The sugarcane price shall be reviewed every year

Appeals
to review
the sugar-
cane price.

6. (1) An appeal to review the price of sugarcane fixed under section 5 may be made by the sugarcane growers, either individually or collectively, or by the State Governments, on their behalf, or by the sugar manufacturers, to the Corporation, within a period of four weeks of the declaration of sugarcane price by the Corporation.

(2) The decision on appeal made under sub-section (1) shall be given by the Corporation within a period of four weeks from the date of filing of such appeal

Power of
Govern-
ment to
increase
the sugar-
cane price

7 The Central Government may increase the price of sugarcane fixed by the Corporation, either on its own or on a representation made by sugarcane growers at any time

Prosecu-
tion of
defaulting
factories.

8 (1) The price of sugarcane fixed under sections 5, 6 or 7, as the case may be shall be binding on sugarcane growers and on the sugar industry

(2) If any sugar or khandsari factory fails to give the price of sugar cane so fixed to sugarcane growers, the Corporation shall have the power to prosecute such defaulting factory

STATEMENT OF OBJECTS AND REASONS

The sugarcane growers are not getting fair price for their sugarcane as there is no proper machinery to fix the price of sugarcane and to implement it. Till now, in the fixation of sugarcane price, neither the agriculturists nor their representatives, are given an opportunity to have a say in the matter. It is necessary that various interests concerning the sugar production are also consulted in the fixation of price of sugarcane.

Hence the Bill.

NEW DELHI;

P. RAJAGOPAL NAIDU.

The 15th November, 1977.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of a Sugarcane Stabilisation Corporation. Clause 4 provides for establishment of an Economic Institute. The Bill, therefore, if enacted is likely to involve a recurring expenditure of about rupees fifteen lakhs from the Consolidated Fund of India.

A non-recurring expenditure of about rupees twenty-five lakhs is also likely to be incurred.

BILL No. 27 OF 1978

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1978.

Short
title.

2. In article 19 of the Constitution,—

Amend-
ment
of arti-
cle 19.

(a) in clause (1), sub-clause (f) shall be omitted and shall be deemed always to have been omitted;

(b) in clause (5), for the expression “Nothing in sub-clauses (d), (e) and (f)” the expression “Nothing in sub-clauses (d) and (e)” shall be substituted and shall be deemed always to have been substituted.

3. Article 31 of the Constitution shall be omitted and shall be deemed always to have been omitted.

Omission
of arti-
cle 31.

STATEMENT OF OBJECTS AND REASONS

On the eve of the Sixth General Elections to Lok Sabha, the people of the country were given an assurance by several political parties, including the Janata Party, who fought the election *inter alia* on the ground that right to property would be removed from the chapter on Fundamental Rights of the Constitution. The people gave support to the Janata Party and expected that it will be implemented without any loss of time as it did not require any machinery to be set up for implementing this assurance. There ought not to be any delay particularly when the right to property has been the cause of controversy not only among the different strata of society but also between the constitutional organs of the State *viz.* Parliament, Judiciary and the Administration. This controversy gave undue *alibi* to the past rulers of the country in not bringing about the desired and necessary change in the economic life of the country. It is, therefore, essential that immediate legislation should be undertaken and the right to property should be removed from the status of fundamental rights.

Hence this Bill.

NEW DELHI;
The 14th February, 1978.

L. L. KAPOOR

BILL NO. 38 OF 1978

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows:—

- | | |
|--|--------------------------|
| 1. This Act may be called the Constitution (Amendment) Act, 1978. | Short title. |
| 2. Article 310 of the Constitution shall be omitted. | Omission of article 310. |
| 3. In article 311 of the Constitution, in clause (2), part (c) of the second proviso shall be omitted. | Amendment of article 311 |

STATEMENT OF OBJECTS AND REASONS

The two articles mentioned in the Bill were bodily taken by the founders of our Constitution from the provision made in the Queen Victoria's Declaration after the suppression of rebellion of 1857 and the Government of India Act, 1935. Both the statutes provided that every Government employee was in service at the pleasure of the Governor and can be dismissed from service without assigning any reason as soon as the pleasure is no more there. It is strange that after independence these obnoxious provisions should have been retained in the Indian Constitution.

The provisions hit the trade union and democratic rights of the Central and State Government employees and several trade union activists have been arbitrarily removed from service under these undemocratic provisions.

The Central and State Government employees all over the country have demanded deletion of these articles from the Constitution so that they can be assured full rights in the country. These articles were recklessly used against the Government employees during the Emergency and it was found after the withdrawal of the Emergency that all actions taken under these articles were taken with political motive. It is actually not the President or the Governor whose pleasure is involved in practice, but the pleasure of the petty official who is firm to take action against any employee not liked by him. In view of this, it is necessary that these articles empowering the bureaucrats to dispense with the services of Government employees at their sweet will should be deleted from the Constitution so that no undue advantage will be allowed to any bureaucrat through these articles.

Hence this Bill.

NEW DELHI;

BHAGAT RAM.

The 21st February, 1978.

BILL NO. 113 OF 1977

A Bill further to amend the Constitution of India.

A BILL further to amend the Constitution of India

Be it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1977.
2. In article 330 of the Constitution, in clause (2),—
 - (a) the words “as nearly as may be, the same proportion” shall be omitted; and

Short
title.

Amend-
ment of
article
330.

(b) for the word "as" after the words "House of the People", the words "a proportion not less than" shall be substituted.

Amend-
ment of
article
332.

3. In article 332 of the Constitution, in clause (3),—

(a) the words "as nearly as may be, the same proportion" shall be omitted; and

(b) for the word "as" after the word "Assembly", the words "a proportion not less than" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

Clause (2) of article 330 and clause (3) of article 332 of the Constitution, as at present worded, provide for reservation of seats for Scheduled Castes and Scheduled Tribes in Lok Sabha and the State Legislative Assemblies in the ratio "as nearly as may be" in which their population is to the total population of the State or the Union territory, as the case may be. It is noticed that while reserving seats for Scheduled Castes and Scheduled Tribes in Lok Sabha and the State Legislative Assemblies, the fraction of the population of Scheduled Castes and Scheduled Tribes in excess of the integral number of their ratio is ignored and shelter is taken under the words "as nearly as may be". It is felt that the number of seats reserved for Scheduled Castes and Scheduled Tribes in Lok Sabha and the State Legislative Assemblies should in no case be less than the ratio of their population in a State or Union territory. It may also be pointed out that in clause (4) of article 332 of the Constitution the phraseology of "a proportion not less than the population" is used and not that of "as nearly as may be". Even from the point of view of drafting and uniformity of language in the Constitution, the amendment suggested is necessary. Hence, amendment of articles 330 and 332 of the Constitution is proposed in the Bill.

NEW DELHI;
The 22nd June, 1977.

HUKAM CHAND KACHWAI

BILL No. 105 OF 1977

A Bill further to amend the Constitution of India.

Enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1977.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In the Seventh Schedule to the Constitution,—

(a) In List I—Union List, after entry 54, the following entry shall be inserted, namely:—

“54A. Preservation and improvement of breeds, and prohibiting the slaughter of cows and calves, oxen and other milch and draught cattle.”

(b) in List II—State List, at the end of entry 15, the following shall be added, namely:—

“subject to the provisions of entry 54A of List I.”

Short
title,
and
com-
mence-
ment.

Amend-
ment of
the
Seventh
Schedule.

STATEMENT OF OBJECTS AND REASONS

Necessary attention has not been devoted to the task of organising agriculture and animal husbandry. Although, article 48 lays down the necessity for this, yet a uniform policy in this direction has not been evolved. The aim and object of article 48 can be speedily and effectively achieved if Parliament is empowered to legislate on matters relating to the promotion of animal husbandry in all its vital aspects.

Hence this Bill.

HUKAM CHAND KACHWAL

NEW DELHI;

The 22nd June, 1977.

BILL NO. 98 OF 1977

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1977.

Short
title
and com-
mence-
ment.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In article 348 of the Constitution, in clause (1), the words “or in the official language of the Union, namely, Hindi in Devanagari script” shall be added at the end.

Amend-
ment of
article
348.

STATEMENT OF OBJECTS AND REASONS

Article 343 of the Constitution declares that the official language of the Union shall be Hindi in Devanagari script. At present all proceedings in the Supreme Court and every High Court are being done in English language. Our Constitution has been in force for more than 27 years and it is rather unfortunate that Hindi is not allowed to be used in proceedings of the Supreme Court and of the High Courts. Article 349 provides that during the period of 15 years from the commencement of the Constitution, no Bill making provision for the language to be used for any of the purposes mentioned in clause (1) of article 348 shall be introduced or moved without the sanction of the President. The said 15 years have expired but still Hindi language is not allowed to be used in proceedings in the Supreme Court or in the High Courts. It would be in fitness of things, if the official language of the Union is allowed to be used alongwith English in all proceedings in the Supreme Court and in every High Court. With this object in view the present amendment is necessary and would go a long way in enhancing national prestige.

Hence this Bill.

NEW DELHI;
The 22nd June 1977.

HUKAM CHAND KACHWAL.

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to amend article 348 of the Constitution with a view to provide for use of Hindi language alongwith English in the Supreme Court and the High Courts and for other purposes as specified in clause (1) of article 348. This is likely to involve a recurring expenditure of about Rs. 5 lacs annually in respect of Supreme Court and High Courts in the Union territories.

No non-recurring expenditure is likely to be involved from the Consolidated Fund of India.

AVTAR SINGH RIKHY,

Secretary.

